

## State Funding for Good Will-Hinckley Government Oversight Committee Inquiry

Purpose of inquiry is to gather additional details and understanding of the events, communications, explanations and impacts described in OPEGA's Information Brief on State Funding for Good Will-Hinckley.

Relevant statutes governing GOC Inquiry

3 MRSA Chapter 21 – Legislative Investigating Committee Statute

3 MRSA Chapter 37 – OPEGA Statute

1 MRSA Chapter 13 – Freedom of Access Act

### **3 MRSA §421. Investigating committee action**

Any investigating committee action shall require the affirmative votes of a majority of the committee members.

#### **Investigating committee actions requiring majority vote:**

- decision as to order of procedure, § 422
- requiring a voluntary witness to testify under oath when deemed “necessary and advisable, § 426 and § 994

### **Order of Events**

1. Chairs make a public statement regarding the purpose of the inquiry and subpoenas which effectively defines the scope of the GOC investigation.

Purpose/scope = to gather additional details and understanding of the events, communications, explanations and impacts described in OPEGA's Information Brief on State Funding for Good Will-Hinckley.
2. Chairs make a public statement that there are three statutes relevant to the inquiry being conducted by the GOC in this matter. Those are: See list above at top of this document. We have conferred with the Attorney General's Office on how those statutes relate to one another and which govern the proceedings we are conducting. Additional guidance will be sought from the AG (Chief Deputy AG Linda Pistner) as necessary during the proceedings.
3. GOC Consideration and Vote on Whether to Take Voluntary Testimony Under Oath
  - a. Statute requires that testimony of any subpoenaed witnesses must be taken under oath
  - b. Statute requires that GOC must vote to take testimony of any voluntary witnesses under oath
  - c. GOC Discussion and Questions
  - d. **GOC Vote(s)** on Whether to Take Voluntary Testimony Under Oath ([See Motions document](#))

4. GOC Consideration and Vote on Orders of Procedure for this proceeding.
  - a. Chair describes the following orders of procedure for this proceeding on which the **GOC will vote**:
    - i. All proceedings and testimony will held in public session and will be broadcast over the internet and available to televising and filming as is normal protocol and required under FOAA -- with the exception of possible executive sessions for the purpose of the GOC consulting with our attorney on our legal rights and duties as allowed under Title 1, Section 405-6(E) or for other purposes allowed under Title 3, Chapter 21.
    - ii. All subpoenaed witnesses and others the GOC has voted to place under oath will be placed under oath prior to the taking of their testimony.
    - iii. All witnesses will then provide any records they have with them prior to testimony being taken.
    - iv. Testimony will be taken in the following order: Aaron Chadbourne, Cynthia Montgomery, Thomas Desjardin, Suzan Beaudoin, Rich Abramson, Sara Vanderwood, Jay Nutting, William Brown and Gregory Powell.
    - v. All questions to the witnesses will come from GOC members or GOC staff (i.e. the OPEGA Director). Any staff questions will be posed through the Chairs and Leads unless the Chair directs otherwise.
    - vi. There will be no questioning of witnesses by other witnesses or their counsel.
    - vii. After all testimony is taken, GOC will provide opportunity for any witnesses to offer further or clarifying information.
    - viii. After all testimony is taken, GOC may recall particular witnesses for further questions.
  - b. GOC discussion on Orders of Procedure
  - c. **GOC vote** on approving the order of procedure as described or amended through discussion. ([See Motions document](#))
5. Each witness comes forward when it his/her turn in the order previously voted on. If the Committee has voted to take their testimony under oath, the Chair administers the oath.
6. Each witness provides records they have and Chair asks witness to confirm (under oath where applicable) that these are all the records they have in their possession that meet the description of the requested records and have not already been provided to OPEGA. Witness should be asked if these are copies that can be kept by GOC or whether they are originals that need to be returned. (Note: Witnesses were asked to provide records in advance of the meeting if possible. If they have done so, OPEGA has them and will have reviewed them to determine if there is any new information pertinent to the inquiry that the GOC should be made aware of. Chair will still ask witness to confirm they have provided all records meeting the description.)
 

[Description of Requested Records = Any correspondence, including emails and handwritten notes, by or between the Governor, the Governor's staff, the Department of Education, Good Will-Hinckley, the Maine Academy of Natural Sciences, the Harold Alfond Foundation and/or Speaker Mark Eves \(or any of their representatives including lobbyists and attorneys\) generated or dated on or after January 1, 2015 to July 31, 2015 that relates to:](#)

  - a. [State funding for, or payments to, Good Will-Hinckley or Maine Academy of Natural Sciences, including funding for the Center of Excellence for At-Risk Students; or](#)

- b. Good Will-Hinckley's recruitment, selection and hiring process and decisions for the position of President of Good Will-Hinckley.

(Note: Records will then be taken by OPEGA staff and reviewed/copied while testimonies are being taken with goal of bringing to attention of Director any docs that GOC may want to ask witnesses questions about.)

7. Each witness gives their testimony/responses to GOC questions.
8. After all testimony is taken, GOC discusses/decides whether it has further questions for any witness. If yes, selected witnesses return for further questions.
9. After all testimony is taken, GOC offers opportunity for any witness to provide further or clarifying information.
10. GOC votes on decision to release testimony with the form to be only a full audio file and the usual GOC Meeting Summary. (See [Motions document](#))
11. GOC discusses testimony heard and asks any questions of staff.
12. GOC discusses what was heard in testimony heard and previously reported information and deliberates on additional GOC actions as necessary.